

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

CRIMINAL NO. 1:09-CR-357

v.

(Chief Judge Conner)

TRACY MCCLAIN,

:

Defendant

:

ORDER

AND NOW, this 16th day of May, 2018, upon consideration of the petition (Doc. 63) for motion filed *pro se* by defendant Tracy McClain (“McClain”), wherein McClain requests that that court schedule a hearing to reconsider the revocation sentence of six months’ imprisonment imposed by the undersigned on March 30, 2018, and wherein McClain specifically requests that the court convert his six-month term of imprisonment to a term of nine months’ probation, and the court noting that McClain cites no legal authority in support of his request for relief, but observing that, to the extent the McClain intends his motion as a request to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, the motion does not take the proper form required by the Local Rules for such motions, see LOCAL RULE OF COURT 83.32.1; see also R. GOVERNING § 2255 CASES R. 2(c), and concluding that, other than generally seeking a reduced sentence in view of his mother’s passing, McClain identifies neither circumstance nor legal authority supporting a reduction of his sentence, see, e.g., 18 U.S.C. 3582(c) (allowing district court to reduce term of imprisonment upon motion of the Director of the Bureau of Prisons under certain

extraordinary and compelling circumstances and when a defendant's sentencing range has subsequently been lowered by the Sentencing Commission); FED. R. CRIM. P. 35(b) (allowing district court's to reduce a term of imprisonment upon motion of the government for substantial assistance), it is hereby ORDERED that McClain's petition (Doc. 63) seeking reconsideration of the revocation sentence imposed by this court on March 30, 2018 is DENIED.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania